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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
EUREKA DIVISION

BRIAN CHAVEZ, *et al.*,  
Plaintiffs,

v.

COUNTY OF SANTA CLARA,  
Defendant.

Case No. 15-cv-05277-RMI

**ORDER GRANTING PLAINTIFFS'  
UNOPPOSED MOTION FOR  
ATTORNEYS' FEES AND EXPENSES**

Re: Dkt. No. 79

This matter comes before the Court upon consideration of Plaintiffs' Unopposed Motion for Attorneys' Fees and Expenses. Having considered the briefing in support of the Motion, responses from class members, relevant legal authority, and the record in this case, the Court finds good cause to GRANT the Motion.

Pursuant to Federal Rule of Civil Procedure 23(h), class members were informed about the fee request in the Class Notice, and a full copy of Plaintiffs' Motion for Attorneys' Fees and Expenses was made available to all class members. Class members were afforded an opportunity to comment or object to the Motion, and this Court held a hearing on the Motion.

After review of all briefing and evidence presented, this Court finds and concludes that the agreed-upon award of \$1,600,000 is fair and reasonable, as is the agreed-upon compensation of \$200,000 to monitor and enforce the Consent Decree and Remedial Plan. In this case, Plaintiffs sought to address deficiencies in medical, mental health, and dental care provided to prisoners in Defendant's jails, as well as non-mobility disability discrimination faced by the Class members. The Consent Decree does just that. It includes a 46-page Remedial Plan that requires Defendant to implement specific policies, procedures, and practices intended to ensure minimally adequate

1 healthcare and to guarantee that prisoners with non-mobility disabilities receive reasonable  
2 accommodations. It also includes a use of force policy and detailed policies governing the use of  
3 restrictive housing in Defendant's jails.

4 To get to this result, Plaintiffs devoted more than three years to litigating this case, meeting,  
5 corresponding with, and interviewing prisoners, reviewing and analyzing healthcare records,  
6 working with six neutral experts, inspecting the jail facilities, and meeting and negotiating with  
7 Defendant. The parties expended considerable time and resources negotiating the terms of the  
8 Consent Decree and Remedial Plan.

9 The fee request reasonably reflects the time and labor required to litigate this matter, and  
10 was calculated pursuant to the lodestar method; that is, Plaintiffs' counsel kept contemporaneous  
11 time records that detail all work completed, and to calculate the requested award Plaintiffs multiplied  
12 the number of hours actually worked by a reasonable hourly rate. Specter Decl., ¶ 10. Though  
13 counsel represented the Plaintiffs without charge, Plaintiffs' counsel exercised the same billing  
14 judgment and discretion accorded to private clients. Specter Decl., ¶ 8; Santamaria Decl. ¶ 4;  
15 *Gonzalez v. City of Maywood*, 729 F.3d 1196, 1202 (9th Cir. 2013) ("Ultimately, a 'reasonable'  
16 number of hours equals '[t]he number of hours . . . [which] could reasonably have been billed to a  
17 private client.'") (citations omitted, alterations in original).

18 Courts have long recognized that the lodestar method of calculating fees is strongly  
19 presumed to be reasonable. *Oviatt v. Pearce*, 954 F.2d 1470, 1482 (9th Cir. 1992) ("There is a strong  
20 presumption that the lodestar figure is reasonable, and adjustments are to be adopted only in  
21 exceptional cases."); *Morales v. City of San Rafael*, 96 F.3d 359, 363 n.8 (9th Cir. 1996).

22 The agreed upon fee award also fairly reflects the novelty and difficulty of the questions  
23 presented, the skill required in litigating this complex case, and the fact that Plaintiffs' counsel  
24 litigated this matter on a contingency basis and expended significant hours and out-of-pocket  
25 expenses doing so.

26 Accordingly, the request for \$1,600,000 in attorneys' fees and expenses and compensation  
27 of \$200,000 per year for monitoring and enforcement of the Consent Decree and Remedial Plan is  
28 approved as fair, adequate, and reasonable, and Plaintiffs' Unopposed Motion for Attorneys' Fees

1 and Expenses is GRANTED.

2 **IT IS SO ORDERED.**

3 Dated: March 20, 2019

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10 ROBERT M. ILLMAN  
11 United States Magistrate Judge  
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